

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CRIMINAL NO. 21-cr-20461

v.

HON. LINDA V. PARKER

DION DAVIS,

Defendant.

**GOVERNMENT’S RESPONSE IN OPPOSITION TO DEFENDANT’S  
MOTION TO REVOKE ORDER OF DETENTION**

**INTRODUCTION**

The Government opposes defendant Dion Davis’s motion to revoke pretrial detention order (Dkt. #13). Previously, United States Magistrate Judge Anthony Patti concluded that no condition or combination of conditions of release would reasonably assure the safety of the community or the defendant’s appearance at trial. (ECF No. 12, PageID 42-43). While on bond and under indictment for multiple felony offenses the defendant had unfettered access to an arsenal of firearms including semi-automatic pistols, rifles equipped with large capacity drum magazines, and a fully automatic machinegun. Given the danger that the defendant poses to the community and his flight risk, the defendant’s request to be

released on bond should be denied.

## **FACTS SUPPORTING THE INDICTMENT**

### **Possession of Firearms and Ammunition**

On March 7, 2021, Dion Davis was the front seat passenger in a white Jaguar SUV that was parked at gas station in Detroit. The driver of that vehicle, Johnny Latrell Jordan Jackson, exited the vehicle and observed the victim, T.W. exiting the gas station. Jackson walked to the back of the vehicle and drew a pistol from his waistband. As Jackson drew his pistol, T.W. also drew a pistol from his waistband. Davis then fired multiple shots at T.W. through the front windshield of the SUV. The shooting was captured on greenlight video and the video shows bullet holes appear and smoke coming from the front windshield of the Jaguar. (Exhibit 1). Davis then briefly exited the vehicle before he and Jackson re-entered the Jaguar and fled the scene. (Exhibit 2). T.W. was shot twice, in the head and the hip, and was treated for those wounds at a local hospital. Evidence technicians recovered one .45 caliber fired cartridge casing from next to the gas pump near where Davis exited the Jaguar. There is no evidence that anyone other than Davis discharged a firearm during the incident.

On April 25, 2021, the defendant posted a live video to his Instagram account associated with the username “56ongo.” During the video, Davis was

wearing green body armor while brandishing two Glock pistols. One of the pistols was equipped with a distinctive red aftermarket laser affixed to the accessory rail, an extended magazine, and a Glock conversion device (also known as a “Glock switch”) affixed to the rear of the slide. (Exhibit 3). A Glock switch is a device that converts a semi-automatic Glock pistol into a machinegun that shoots automatically.

On April 30, 2021, members of the FBI Violent Gang Task Force executed a federal search warrant at a residence on Colorado Avenue in Highland Park. During entry, law enforcement encountered Davis and others inside of the residence. During the subsequent search, law enforcement recovered a Glock pistol with a distinct red aftermarket laser affixed to the accessory rail, an extended magazine, and a Glock switch affixed to the rear of the slide. (Exhibit 4). The characteristics of this firearm match those of the firearm possessed by Davis in the April 25, 2021 Instagram live video. The Glock firearm was test fired at the crime lab and was found to function as a full automatic pistol.

On July 8, 2021, a magistrate judge authorized a federal criminal complaint and arrest warrant for Davis. On July 13, 2021, a special agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) observed Davis enter the passenger seat of a Ford F-150. The ATF agent, being assisted by Dearborn

Heights police officers, followed the vehicle to a nearby car wash in Dearborn Heights. Law enforcement approached the vehicle and identified themselves as police officers. Davis exited the vehicle, disobeyed officer commands to stop, and walked into the office of the car wash. Davis then tossed a Glock 27, .40 caliber semi-automatic pistol into the office before he was arrested.

**Davis Has Been Under Indictment Since June 25, 2020**

**Wayne County Felony Charges**

On April 8, 2020, officers with the Detroit Police Department were dispatched to the area of Longview and Dickerson on a report of multiple black males armed with firearms who entered a grey Ford Taurus. On the way to the scene, an officer observed a grey Ford Taurus at the intersection of Gratiot and Outer Drive being driven by the defendant and occupied by two other individuals. When the Ford Taurus proceeded through a red signal and turned south onto Gratiot, the officer activated the lights and siren on the patrol vehicle and attempted to pull over the Ford Taurus. In response, the defendant quickly accelerated to speeds over 80 miles per hour in an area where the speed limit is only 35 miles per hour. The officer continued following the Taurus for over three miles as the Taurus was weaving in and out of traffic at high speeds. The Taurus

then entered I-94 before the officer lost sight of the vehicle and the chase was terminated.

On May 20, 2020, Davis was charged with Fleeing and Eluding – Third Degree, a crime punishable by a term of imprisonment for more than one year, and Reckless Driving. On June 25, 2020, Davis was arraigned in the 36<sup>th</sup> District Court on those charges and, according to the register of actions, was released on bond with conditions prohibiting him from possessing weapons, drinking alcohol, and driving. On June 14, 2021, Davis's bond was amended to include a GPS tether provision. Those charges remain pending in the 3<sup>rd</sup> Circuit Court in Wayne County.

#### Macomb County Felony Charges

On April 24, 2020, Davis was a passenger in the rear seat of a green Dodge Durango that was parked on Longview in Detroit impeding traffic. Officers from the Detroit Police Department walked up to the vehicle and began speaking with the occupants. The driver of the Durango then put the vehicle in reverse and fled the scene at a high rate of speed. While fleeing, the vehicle mirror struck one of the police officers in the forearm. The officers began pursuing the vehicle and a high speed chase occurred throughout the neighborhood and continued onto I-94 into Clinton Township. The driver of the Durango eventually exited the highway

and continued to the area of 14 mile and Cheryl where the vehicle stopped and the occupants, including Davis, exited and fled on foot. Davis and the other passengers were eventually detained and arrested. The officers located a firearm in the vehicle where Davis had been sitting and the officers also observed another passenger drop a firearm as he was running. Davis and the passenger who dropped the firearm were both charged with the felony offenses of Carrying a Concealed Weapon and Resisting a Police Officer. Davis was arraigned on these charges on July 2, 2020 and this case remains pending in the 41b District Court in Clinton Township. On July 26, 2021 an arrest warrant was issued in this case and remains outstanding. The warrant is based on Davis's possession of firearms while on bond and for failing to appear, and a \$100,000 cash bond has been set.

**Davis is an Unlawful User of Controlled Substances**

During the investigation, ATF agents reviewed direct message conversations that the defendant had with others while utilizing his Instagram account utilizing the username "56ongo." During several direct message conversations, Davis attempted to purchase marijuana and/or Percocet pills for his use and referenced his intent to get high. In addition, Davis posted several stories to his Instagram account that depict his use of controlled substances. On January 21, 2021, Davis utilized his Instagram account to post a video of an individual smoking what

appears to be a marijuana blunt in a vehicle accompanied by the caption “you know I get high in the Uber.” (Exhibit 5). On April 20, 2021, Davis utilized his Instagram account to post a photograph of a bottle of Promethazine with Codeine and pink liquid in a cup. (Exhibit 6). Also on April 20, 2021, Davis utilized his Instagram account to post a video depicting a bag of marijuana. (Exhibit 7). On April 14, 2021, Davis utilized his Instagram account to post a video to his Instagram account that shows him holding a firearm in a vehicle with a knotted baggie of suspected narcotics in the cup holder. (Exhibit 8). On April 28, 2021, Davis utilized his Instagram account to post a video showing him in a vehicle smoking what appears to be a marijuana blunt. (Exhibit 9). Davis was also interviewed after his arrest on July 13, 2021 and admitted that he was a daily user of marijuana.

#### **ADDITIONAL FACTS DEMONSTRATING DANGEROUSNESS**

Davis, also known by the nickname “5-6” is a member of 4GTMT, a criminal street gang that operates primarily on the east side of Detroit and utilizes Longview as its home base. 4GTMT is also known as “700 Gang” or “Wax Gang.”

On July 11, 2020, officers with the Detroit Police Department were on patrol and observed a white Jeep Grand Cherokee with no license plate being driven at a

high rate of speed. The officer attempted to pull the vehicle over but the vehicle fled at a high rate of speed and the officers did not pursue the vehicle. A short time later the officers located the Jeep Grand Cherokee in the driveway of a residence on Saratoga. The officers observed Davis standing on the front porch of the residence and noted that he was shaking and was out of breath. The officers detained Davis and heard a chain link fence moving behind the garage. The officers went to that location and recovered an AK-47 semi-automatic rifle and a Glock 26, 9mm semi-automatic pistol equipped with a 30 round magazine. The Jeep Grand Cherokee was determined to have been stolen and was impounded. Inside of the Jeep Grand Cherokee the officers recovered medical paperwork and a Wayne County Jail inmate property receipt belonging to Davis along with a 9mm 50 round drum magazine. The Glock 26, 9mm pistol was test fired at the crime lab and the fired cartridge casings were entered into the National Integrated Ballistic Information Network (NIBIN) for comparison purposes. Based upon this analysis, the Glock 26, 9mm pistol was linked to nine separate crime scenes where shots were fired since October 2019. Specifically, fired cartridge casings from these crime scenes were determined to have likely been fired by the Glock 26, 9mm pistol recovered on July 11, 2020.

On August 1, 2020, officers with the Detroit Police Department observed Davis driving a maroon Dodge Challenger while drag racing another vehicle. The officers began to pursue the Dodge Challenger and Davis parked at a gas station and got out of the vehicle. His passenger, another 4GTMT gang member, got into the driver's seat of the vehicle and fled from the parking lot at a high rate of speed. This individual eventually crashed into another vehicle, killing the driver of that vehicle. The maroon Dodge Challenger was later determined to have been stolen and the officers recovered two firearms from inside of the vehicle.

On August 22, 2020, officers with the Detroit Police Department responded to a residence on Albion in Detroit on reports of a person with a weapon. The officers arrived and observed a crowd of people scatter in the front yard, with multiple people running inside of the residence. Through a window, one officer observed Davis and another 4GTMT member attempting to hide handguns in the upper part of a bedroom closet. The officers located seven discarded firearms in the front and side yards of the residence. A search warrant was obtained, Davis exited the residence, and the officers recovered five additional firearms and a credit card embossing machine from inside of the residence.

In late 2020 and early 2021, Davis utilized his Instagram account to post photographs of himself possessing firearms. On November 22, 2020, Davis

posted a photograph to his Instagram account showing himself holding an AK-47 style pistol while standing next to other 4GTMT gang members. (Exhibit 10).

On November 28, 2020, Davis posted a video to his Instagram account showing himself carrying a blue bag containing multiple firearms. On December 13, 2020, Davis posted a photograph to his Instagram account showing himself holding an AK-47 style pistol. (Exhibit 11). On January 11, 2021, Davis posted a photograph to his Instagram account showing himself holding a pistol. (Exhibit 12). On January 23, 2021, Davis posted a video to his Instagram account showing himself holding two pistols and a rifle equipped with a drum magazine. (Exhibit 13).

Davis also utilized his Instagram account to sell and/or trade firearms to other individuals. On February 9, 2021, Davis utilized his Instagram account to have a conversation with another Instagram user. During this conversation, Davis asked the other individual “Wanna trade yo Glock for a fully Tech.” Davis then sent a photograph of a firearm which appears to be the same firearm that Davis was holding in his January 11, 2021 Instagram post. (Exhibit 14). On April 15, 2021, Davis utilized his Instagram account to have a conversation with another Instagram user. During this conversation, Davis offered to sell the other individual a ghost gun that resembled a Glock handgun for \$1200. (Exhibit 15).

On April 14, 2021, Davis again utilized his Instagram account to post a video where he was sitting inside of a vehicle. During the video, Davis displayed five different firearms to the camera: three Glock handguns and two AR-style firearms, one of which was equipped with two drum magazines each capable of holding one-hundred rounds of ammunition. (Exhibit 16).

During this time period, gun violence continued to surround Davis. On June 23, 2020 at approximately 11:15 pm an individual was shot and killed while leaving a candlelight vigil near the intersection of Runyon and Greiner in Detroit. This individual was associated with a gang that was a rival to 4GTMT. Six fired handgun cartridge casings were found on the road near the victim and two fired rifle cartridge casings were found in the victim's vehicle. That same evening, at approximately 11:24 pm, Davis arrived at St. John's hospital in Detroit, approximately 5 miles from where the victim was shot. Davis had been shot behind his right ear. Davis stated that he had been at a block party when he was shot and described for the officers the location where he was allegedly shot at. Officers responded to the location given by Davis and found no evidence of a block party and found no evidence of a shooting. On January 13, 2021, an individual came to the residence of Davis's mother. This person came to the residence looking for Davis but his mother refused to let this person into the home.

This person then fired multiple shots at the residence. On January 22, 2021, Davis's sister and another female were murdered as they stood outside of a parked vehicle. Davis utilized his Instagram account to announce his intention to get revenge for his sister's murder. (Exhibit 17). Specifically Davis stated "I'm killing [n-words] ion kare if we at the police station" and "yo baby brotha got a timing [clock emoji and the clock ticking on these [n-words]]." On February 11, 2021, officers with the Detroit Police Department were conducting surveillance on a funeral procession for Davis's sister due to the potential for violence. The officers observed Davis and another 4GTMT member exit a vehicle and run across the road. Davis was armed with an AK-47 style pistol while the other individual was armed with a firearm equipped with an extended magazine. Davis was brought back to his vehicle by other friends or family members and left the area before police intervened.

### **PROCEDURAL HISTORY**

On July 8, 2021, the defendant was named in a criminal complaint filed in the United States District Court for the Eastern District of Michigan, docket number 20-mj-30341. (ECF No. 1, PageID.1). The complaint charged the defendant with Illegal Possession of Machineguns, contrary to 18 U.S.C. § 922(o). Unlawful User of a Controlled Substance in Possession of a Firearm and/or

Ammunition, contrary to 18 U.S.C. § 922(g)(3), and Illegal Receipt of a Firearm by a Person Under Indictment, contrary to 18 U.S.C. § 922(n). The defendant made his initial appearance on the complaint on July 14, 2021 and was temporarily detained pending a detention hearing.

The detention hearing was started on July 16, 2021 and continued on July 19, 2021. At the conclusion of the detention hearing, United States Magistrate Judge Anthony Patti found by clear and convincing evidence that the defendant was a danger to the community and by a preponderance of the evidence that the defendant is a flight risk. (ECF No. 12, PageID.42). Specifically, Judge Patti noted that the defendant “was on bond for two felonies (carrying concealed weapons and felony fleeing), including a tether in connection with one of them, yet still possessing multiple firearms, including high-powered weapons such as two rifles with 100 round drums, an AK-47, and a fully automatic converted Glock equipped with a laser.” (ECF No. 12, PageID.43). Further, Judge Patti was concerned that Davis “while on bond fired multiple rounds at a victim at a gas station, hitting him in the head and hitting him in the hip; while on bond posted multiple videos and photos of himself on social media in possession of the aforesaid weapons while offering them for sale, has been involved in a gang which targeted a rival gang in June 2020, leading to a homicide and to Defendant himself

being shot, most likely further resulting in his mother's home being shot up and possibly to his sister's murder, for which Defendant has vowed revenge, leading to Defendant attending her funeral with an AK-47.” *Id.* In summary, Judge Patti determined that Davis “poses a very significant danger to himself, his family and the community, and is undeterred by supervision or pending criminal charges.” *Id.* Therefore, Judge Patti ordered the defendant to remain detained pending trial.

On July 14, 2021, a federal grand jury indicted the defendant in a six-count indictment, charging him with Illegal Possession of a Machinegun, in violation of 18 U.S.C. § 922(o), three counts of Possession of a Firearm or Ammunition by an Unlawful User of a Controlled Substance, in violation of 18 U.S.C. § 922(g)(3), and two counts of Receipt of a Firearm by a Person Under Indictment, in violation of 18 U.S.C. § 922(n). On July 26, 2021, the defendant was arraigned on the indictment, a not guilty plea was entered, and detention was continued. Currently, the defendant is scheduled for a plea hearing on December 1, 2021, a final pre-trial conference on January 11, 2022 and a jury trial on January 18, 2022.

#### **APPLICABLE LAW**

Under the Bail Reform Act, 18 U.S.C. § 3142, a defendant shall be ordered detained pending trial if “no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any

other person and the community.” 18 U.S.C. § 3142(e). In determining whether any such conditions exist, the Court must take into account the following (1) the nature and circumstances of the charged offense; (2) the weight of the evidence against the person; (3) the history and characteristics of the person, including the person’s character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings; and (4) the nature and seriousness of the danger to any person or the community that would be posed by the person’s release. 18 U.S.C. § 3142(g). The burden is on the government to prove by a preponderance of the evidence that the defendant poses a risk of flight, and by clear and convincing evidence that he is dangerous to another person or the community. *United States v. Hinton*, 113 Fed. App’x 76, 77 (6th. Cir. 2004) (citing *United States v. Cisneros*, 328 F.3d 610, 616 (10th Cir. 2003)).

### **ARGUMENT**

The defendant, while on bond for multiple felonies, continued to use and possession drugs and firearms including semi-automatic handguns, semi-automatic rifles, and one fully automatic machinegun. The defendant continued possessing firearms in violation of court orders even while being monitored by a GPS tether.

The defendant remains a flight risk and an extreme danger to the community and his motion should be denied.

**Nature and Circumstances of the Offense Charged.**

The defendant is charged in the indictment with Illegal Possession of a Machinegun, contrary to 18 U.S.C. § 922(o), three counts of Possession of a Firearm by an Unlawful User of a Controlled Substance, contrary to 18 U.S.C. § 922(g)(3), and two counts of Receipt of a Firearm by a Person Under Indictment, contrary to 18 U.S.C. § 922(n). The maximum possible penalty of imprisonment for up to 10 years for each count reflects Congress's assessment that these are serious crimes. *See United States v. Peak-Wright*, 567 Fed. Appx. 355, 358 (6th Cir. 2014). The nature of these offenses, coupled with the underlying facts, reinforces the seriousness of the instant offenses.

The defendant, while on court supervision for multiple felony offenses involving weapons and fleeing from the police, continued to possess a cache of weapons and continued to use narcotics on a daily basis. These weapons included semi-automatic pistols, high-powered rifles equipped with drum magazines, and a handgun modified with a device designed to make it function as a fully automatic weapon. Not only did the defendant possess firearms, but he used them as well. The defendant was involved in a shooting that occurred in broad daylight at a gas

station where the target was shot in the head and the hip. As Judge Patti correctly recognized, the defendant “poses a very significant danger to himself, his family and the community and is undeterred by supervision or pending criminal charges.” (ECF No. 12, PageID.43). Therefore, the nature and circumstances of the offense weigh in favor of detention.

### **Weight of Evidence**

The second § 3142(g) factor considers the weight of the evidence against the defendant. In the Sixth Circuit, this factor concerns “the weight of the evidence of dangerousness, not the weight of the evidence of the defendant’s guilt.” *United States v. Stone*, 608 F.3d 939, 948 (6th Cir. 2010) (citing *United States v. Hazime*, 762 F.2d 34, 37 (6th Cir. 1985)).

The weight of the evidence of the defendant’s dangerousness weighs in favor of detention. This is not a garden variety case involving an individual found to be possessing a single firearm in violation of a bond condition. Instead, Dion Davis possessed an alarming number and variety of weapons all while on bond for felony offenses involving weapons and fleeing from the police. The defendant demonstrated that he has absolutely no regard for court orders restricting his conduct while being supervised on bond. The defendant has shown that he is undeterred by court supervision and will continue to possess and use weapons.

Further, the defendant even flaunted his possession of firearms online, firearms that included a fully automatic Glock. Therefore, the weight of evidence of the defendant's dangerousness weighs in favor of detention.

### **History and Characteristics of the Defendant**

The defendant's recent criminal conduct, his history of failing to comply with the terms of court supervision, and his history of failing to appear also demonstrates that detention should continue pending trial.

The defendant has been on court supervision since June 25, 2020 and has failed spectacularly at abiding by the conditions of bond. The defendant is being supervised out of Macomb County based on an incident where he possessed a firearm and fled from a vehicle that he was a passenger in after the driver of that vehicle struck a police officer and fled into another county. The defendant is also being supervised out of Wayne County after he fled from a police officer at a high rate of speed when the officer attempted to pull over the vehicle he was driving. The defendant was released on bond by each of those courts and was ordered to not possess any firearms, among other conditions. Despite the opportunity to remain free on bond, the defendant repeatedly violated the conditions by possessing a cache of dangerous firearms.

Further, while on bond, the defendant was found with a stolen Jeep Grand

Cherokee that contained his personal paperwork and a drum magazine. While on bond, the defendant was drag racing in a stolen Dodge Challenger before the passenger fled in the vehicle and killed another motorist. While on bond, the defendant was found inside of a house where police recovered 12 firearms and a credit card embossing machine. While on bond, the defendant flaunted his criminal activities online and attempted to broker the exchange of firearms.

While the defendant has lived in Detroit for his entire life, he has not been a productive member of society but has instead become an individual with a dangerous affinity for firearms. Therefore, the history and characteristics of the defendant demonstrate that detention should be continued because the defendant remains a danger to the community.

### **CONCLUSION**

Based on the facts in this case and the factors of the Bail Reform Act, there are quite simply no conditions or sets of conditions that could reasonably assure the safety of the community or the Defendant's appearance in court. For the reasons stated above, the government respectfully requests that this Honorable Court deny the Defendant's motion.

Respectfully submitted,

Dated: October 25, 2021

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 25, 2021, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF, for uploading and service by electronic notice to counsel and parties authorized to receive electronically Notices of Electronic Filing.

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